IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

WENDY GUZMAN, INDIVIDUALLY AND AS NEXT FRIEND OF T. § § GUZMAN, A MINOR, § § Plaintiff, § § VS. CIVIL ACTION NO. H-07-3973 § MEMORIAL HERMANN HOSPITAL SYSTEM, D/B/A MEMORIAL § HERMANN SOUTHEAST HOSPITAL, §

Defendants,

ORDER

The parties filed an agreed motion for leave to file the plaintiff's supplemental brief following oral argument on Memorial Hermann's motion for partial summary judgment. (Docket Entry No. 120). Although the stated purpose of the motion is to "clarify" that this court considered the supplemental brief in its ruling, such clarification is unnecessary. This court's June 16, 2009 Memorandum and Opinion clearly stated: "After this court heard oral argument on the parties' motions on May 28, 2009, Guzman filed a supplemental response, (Docket Entry No. 110)" (Docket Entry No. 114). This court's decision granting partial summary judgment was "[b]ased on a careful review of the motions, *responses*, and *replies*, the parties' submissions, the arguments of counsel, and the applicable law." (*Id.*) (emphasis added). The agreed motion is denied as moot because, as the record shows, this court did consider the supplemental brief in ruling on the summary judgment motion.

SIGNED on September 3, 2009, at Houston, Texas.

Lee H. Rosenthal United States District Judge